

AN ORDINANCE
BY COUNCILMAN DERRICK BOAZMAN

AN ORDINANCE TO AMEND SECTION 10-106 OF CHAPTER 10, ARTICLE II, DIVISION 2, TO THE CODE OF ORDINANCES, CITY OF ATLANTA, GEORGIA, SO AS TO PROVIDE THAT ALL CALENDAR YEAR 2003 LICENSES ISSUED TO PRIVATE CLUBS FOR THE SALE OF ALCOHOLIC BEVERAGES BE VALID FOR A PERIOD OF SIX MONTHS; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has an interest in maintaining the public safety and welfare of the citizens of the City of Atlanta and its visitors; and

WHEREAS, the City of Atlanta has interest in regulating, through the lawful exercise of its police powers, the sale of alcoholic beverages for the public health, safety and welfare; and

WHEREAS, the City Council enacted an ordinance, 01-O-0096, adopted March 19, 2001 and approved by the Mayor March 27, 2001, which set forth new ascertainable standards for the regulation and control of private clubs consistent with Internal Revenue Service regulations and Georgia law; and

WHEREAS, the City of Atlanta is a party to litigation styled, *CAV Corporation, et al. v. The City of Atlanta, Georgia*, United States District Court for the Northern District of Georgia, Civil Action Number 1:01-CV-1079-CC; and

WHEREAS, the Court in the above case has enjoined the City from enforcing City Ordinance 01-O-0096, which modifies the requirements for private clubs who wish to sell alcoholic beverages within the City, until the final decision of the court as to the legal validity of the ordinance; and

WHEREAS, the City of Atlanta does not wish to be placed in the position of approving 2003 applications of private clubs for the sale of alcoholic beverages for the full year, and then potentially having the Court issue a determinative ruling sometime in 2003 in favor of 01-O-0096, which the City would then not be able to enforce until 2004.



NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS as follows:

Section 1. That the Code of Ordinances be amended to add the following language to the end of Section 10-106 to Chapter 10, Article II, Division 2, and which shall state:

Any person granted a license as a private club under this division of the Code of Ordinances during the calendar year 2003 shall be issued a license effective only for the period of January 1, 2003, through June 30, 2003, with the annual fees to be prorated accordingly.

Section 2. If it shall be found that any prior ordinance or parts of any prior ordinance are in conflict herewith, then those sections contained herein shall be deemed controlling.

-A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

JAN 21, 2003
JAN 28, 2003

RCS# 4404
1/21/03
3:19 PM

Atlanta City Council

Regular Session

CONSENT 1 Pgs. 1-8; Except 03-R-0035; 03-R-0050

ADOPT

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 5
EXCUSED: 0
ABSENT 0

Y Smith	NV Archibong	Y Moore	NV Mitchell
Y Starnes	Y Fauver	NV Martin	Y Norwood
Y Young	Y Shook	Y Maddox	NV Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

1/21/03 FULL COUNCIL MEETING	
Items Adopted on the Consent Agenda	Items Adversed on the Consent Agenda
1. 02-O-2129	24. 03-R-0003
2. 03-O-0040	25. 03-R-0004
3. 02-O-2132	26. 03-R-0005
4. 02-O-2133	27. 03-R-0006
5. 02-O-2128	28. 03-R-0007
6. 03-O-0047	29. 03-R-0008
7. 03-R-0029	30. 03-R-0009
8. 03-R-0030	31. 03-R-0010
9. 03-R-0025	32. 03-R-0011
10. 03-R-0032	33. 03-R-0012
11. 03-R-0036	34. 03-R-0015
12. 03-R-0058	35. 03-R-0016
13. 03-R-0059	36. 03-R-0017
14. 02-R-1137	37. 03-R-0018
15. 02-R-1628	38. 03-R-0019
16. 02-R-1874	39. 03-R-0021
17. 03-R-0031	40. 03-R-0022
18. 03-R-0046	41. 03-R-0023
19. 02-R-2056	42. 03-R-0024
20. 03-R-0001	
21. 03-R-0002	
22. 03-R-0013	
23. 03-R-0014	

Consent I Vote: 11 Yeas; 0 Nays: (See RCS #4404/Reconsidered; See RCS # 4376 for Initial Vote & RCS #4403 for vote to Reconsider)
 Items Removed from the Consent Agenda: 03-R-0035 & 03-R-0050

03-0040

(Do Not Write Above This Line)

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APPROVED BY:

Rosalind Rubens Newell
ROSALIND RUBENS NEWELL

- ☐ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☐ PERSONAL PAPER REFER

Date Referred 1/8/03

Referred To: Public Safety

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
 Date _____
 Chair _____
 Referred To _____

Committee _____

Date _____

Chair _____

Action _____

Fav, Adv, Hold (see rev. side)

Other _____

Members _____

Refer To _____

Committee _____

Date _____

Chair _____

Action _____

Fav, Adv, Hold (see rev. side)

Other _____

Members _____

ADOPTED BY

JAN 21 2003

COUNCIL

Refer To _____

Committee _____

Date _____

Chair _____

Action _____

Fav, Adv, Hold (see rev. side)

Other _____

Members _____

Refer To _____

Committee _____

Date _____

Chair _____

Action _____

Fav, Adv, Hold (see rev. side)

Other _____

Members _____

Refer To _____

FINAL COUNCIL ACTION

☒ 2nd ☐ 1st & 2nd ☐ 3rd

Readings

☒ Consent ☒ V Vote ☐ RC Vote

CERTIFIED

CERTIFIED
 JAN 21 2003

ATLANTA CITY COUNCIL PRESIDENT

Catherine W. Woodard
 Catherine W. Woodard

CERTIFIED
 JAN 21 2003

Paula
 DEPUTY MUNICIPAL CLERK

MAYOR'S ACTION

JAN 28 2003

Anthony Spaulding
 Anthony Spaulding